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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

PUBLIC COPY

ADMINISTRATIVE APPEALS OFFICE

425 Eye Street N.W.

ULLB, 3rd Floor

Washington, D.C. 20536

File: WAC 02 161 53856

Office: California Service Center

Date:

MAR 31 2003

IN RE: Petitioner:
Beneficiary:

Petition: Petition for a Nonimmigrant Worker Pursuant to § 101(a)(15)(P)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(P)(i)

ON BEHALF OF PETITIONER:

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.



Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner in this matter is an entertainment company, acting in the capacity of an agent to the beneficiary. The beneficiary is an acrobat. The petitioner filed a Form I-129 (Petition for a Nonimmigrant Worker) seeking an extension of stay of the beneficiary for an additional one-year period under section 101(a)(15)(P)(i) of the Immigration and Nationality Act (the Act). The petitioner seeks to continue to employ the beneficiary temporarily in the United States to perform at various locations in the United States, Puerto Rico and Mexico.

The director denied the petition, in part, finding that the petitioner failed to establish that beneficiary will perform as a starring or leading entertainer in productions or events which have a distinguished reputation, or perform services in a lead or starring role for organizations and establishments that have a distinguished reputation. The director was also concerned that the petitioner did not establish that it performed as a starring or leading group for an organization with a distinguished reputation. The director further found that the petitioner failed to establish that the beneficiary was exempt from the one-year group membership and international recognition requirements as a circus entertainer.

On appeal, counsel for the petitioner indicated that he would submit a brief within 30 days of filing the appeal. The appeal was filed on October 15, 2002. More than five months have lapsed since the appeal was filed, and no brief has been submitted as of this date.

8 C.F.R. 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.